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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

MEMORANDUM ENDORSED

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

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AUGUST 21, 2020

By ECF

Hon. Judge Gregory H. Woods
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Doe v. N.Y. State Dep't of Health, et al., 20-cv-04817 (S.D.N.Y.)

Dear Judge Woods:

The New York Attorney General's office ("OAG") writes on behalf of Defendants New York State Department of Health ("DOH") and the DOH Commissioner in the above-captioned action in which Plaintiff John Doe seeks to invalidate certain State regulations. Defendants request, with Plaintiffs' consent, that the Court adjourn the Federal Rule of Civil Procedure ("Rule") 16 conference and the deadline to file a joint letter and case management plan in anticipation of such conference to the dates set forth in the chart on the following page. We further request, also on consent, that the Court endorse the other deadlines proposed in the chart for Defendants to respond to the Complaint and to file any opposition to Plaintiffs' application to proceed pseudonymously.

Although the summons and complaint were delivered to DOH in early July 2020, the Department inadvertently did not forward them to the OAG until August 19, 2020. The OAG did not otherwise have notice of this action because Plaintiff did not deliver the summons to this office. Defendants have thus not been served. *See* Fed. R. Civ. P. § 4(j)(2) and CPLR § 307(2) (setting forth service requirements for State agencies and officers).

The following proposed schedule will allow the OAG and Defendants sufficient time to gain an understanding of the case, investigate Plaintiffs' allegations, and conduct legal research. This is Defendants' first request for an enlargement of time.

Event	Original Deadline	Proposed Deadline
Defendants' Opposition to Plaintiffs' Application to Proceed Pseudonymously	One week after service of Plaintiffs' application (service not effected)	August 28, 2020
Defendants' Response to the Complaint	Twenty-one days after service of the summons (service not effected)	September 10, 2020
Plaintiffs' Reply in Further Support of its Application to Proceed Pseudonymously	Three days after service of Defendants' opposition	September 11, 2020 (Plaintiffs' proposed date)
Joint Status Letter to Court and Proposed Case Management Plan	August 27, 2020	September 17, 2020
Rule 16(c) conference	September 3, 2020	September 24, 2020 or as soon thereafter as counsel may be heard.

Thank you for your Honor's consideration of this request.

Respectfully submitted,

/S/
Todd A. Spiegelman
Assistant Attorney General

cc: Todd C. Bank, Esq., *Plaintiff's Counsel* (by ECF)

Application granted. Defendants' opposition to Plaintiffs' application to proceed pseudonymously is extended to August 28, 2020. Defendants' answer or other response to the complaint is due by September 10, 2020. Plaintiffs' reply in further support of its application to proceed pseudonymously is due by September 11, 2020. The initial pretrial conference scheduled for September 3, 2020 is adjourned to September 24, 2020 at 1 p.m. The parties' joint letter and proposed case management plan is due by September 17, 2020.

SO ORDERED.

Dated: August 22, 2020
New York, New York



GREGORY H. WOODS
United States District Judge